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REMARKS

In the Office Action mailed April 25, 2006, claims 1-36 were rejected under 35 U.S.C. § 102(b) as anticipated by Sims, III et al. (U.S. Patent 6,212,647). For the reasons outlined below, Applicant submits that the Sims reference does not provide appropriate teaching to anticipate the claimed invention. Consequently, Applicant requests withdrawal of this rejection and allowance of the claims as outlined above.

As is well established, in order to anticipate a claimed invention, the cited reference must disclose each limitation of the claims. If elements of a claim are missing from the cited reference, a rejection under 35 U.S.C. § 102 is inappropriate. For the reason outlined below, applicant submits that Sims, III et al. does not provide sufficient teaching to anticipate the claimed invention.

In summary, the present invention is related to the efficient use of system resources during data processing operations (reading and writing of information). To achieve this, the present invention provides a process which efficiently deals with defects in the media when encountered. Specifically, defect areas are identified when discovered, and the information related to that identified defect area is stored in memory. The data processing then continues until the particular task is completed. For example, if writing to a particular sector, and a defect is discovered, the location of the defect is stored, along with the information intended to be written to that sector. Data processing then continues until the intended data writing operation is completed. Only after data processing for the particular write operation is complete does the present invention then locate a defect management area on the media and write the information that has been previously been stored. Naturally, the system will maintain a record of this defect, and be in a good position to subsequently read from the defect management area when necessary.

As mentioned above, defect information is "held" when a defect is encountered, until the pending process is completed. Consequently, resource efficiency is achieved. More specifically, the system avoids the continuous process of searching or seeking the defect area immediately upon determination of a defect, and then searching again for the sector that was previously being written. By avoiding this "jumping around," the system is capable of more quickly and efficiently performing storage and retrieval operations.

Sims III et al. is similarly related to data storage and the dealing with defects, however, does not teach the claimed invention. Generally speaking, Sims III et al. teaches a media layout scheme which is capable of easily dealing with defects. As part of the disclosed scheme, the Sims' III et al. system utilizes two separate defect lists. See *Sims,*

III et al., column 6, lines 24-32. Further, the technique of Sims III et al., related largely to the configuration of the media and its set up, simply provides a methodology to easily convert logical block addresses to physical block addresses on the media. See *Id.,* column 11, lines 59-65. Sims III et al. discusses in detail its use of a primary defect list and a secondary defect list to achieve this address conversion. The primary defect list identifies defects know at format time and provides for uniform slippage of logical block addresses to accommodate these defects. See column 3, lines 45-62. To compliment the primary defect list, a secondary defect list is utilized for dealing with defects discovered during processing operations. The secondary defect list is a created structure which in summary allows the relocation of information to a defined spares area which has been previously established on the disk. See *Sims, III. et al.,* column 4, lines 2-5 and 42-45.

Most significantly, Sims III et al. does not discuss a technique for efficiently dealing with defects when discovered during data processing. As related to the claimed invention, Sims III et al. simply does not disclose or discuss a process where the relocation is held or delayed until the processing operation is complete. Sims III et al. is essentially a formatting technique used to deal with defects. Conversely, claims 1-25 specifically indicate that the disk in question is formatted. Sims III et al. simply does not teach the claimed invention. Due to this lack of teaching, Sims does not anticipate the claimed invention.

In addition to the specific lack of anticipation, the Sims reference further does not provide sufficient teaching to render the claimed invention obvious. As mentioned above, Sims does not provide any teaching related to the defect management process outlined in the claims. Further, Sims does not discuss processing methodologies and related desire to avoid continuous "seek" operations that were the motivating factor behind development of the present invention. Consequently, Sims contains no motivation or suggestion for one skilled in the art to address this problem as has been addressed by the present invention. Consequently, Sims is likewise not capable of rendering the claimed invention obvious.
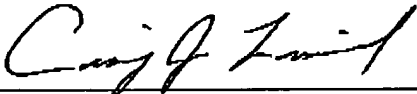
CONCLUSION

Applicant requests the allowance of the claims referenced above, and the allowance of the present application.

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     In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7387. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference No. 18504-354).

Respectfully submitted,

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